

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IRENE MARTINEZ HERRERA,

Plaintiff,

- against -

LDJ CONTRACTING LLC, et al.,

Defendants.

ORDER

23-CV-10326 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiff initiated this action by filing a complaint on November 27, 2023 against LDJ Contracting, LLC and Luis DeJesus (together, “Defendants”). (Doc. 1). Defendant DeJesus was served on January 3, 2024 and Defendant LDJ Contracting, LLC was served on May 16, 2024. (Doc. 6; Doc. 15). On August 21, 2024, Clerk’s Certificates of Default were entered as to Defendants. (Doc. 23; Doc. 24).

On November 6, 2024, the Court directed Plaintiff to comply with the Court’s Individual Practices Rule 4(B) for obtaining a default judgment by December 6, 2024. (Doc. 25). Thereafter, the Court granted Plaintiff an extension to comply with the Court’s Individual Practices for obtaining a default judgment. (Doc. 27).

On December 20, 2024, Plaintiff moved for leave to amend its Complaint in light of the Second Circuit’s recent holding in *Guthrie v. Rainbow Fencing Inc.*, 113 F.4th 300 (2d Cir. 2024), requiring a plaintiff “to establish Article III’s concrete injury-in-fact requirement as to [] New York Labor Law [] § 195” claims. (Doc. 28). On December 23, 2024, the Court vacated the deadline for Plaintiff to comply with this Court’s Individual Practices Rule 4(B) for obtaining a default judgment, granted Plaintiff leave to amend, and directed Plaintiff to file and serve an amended complaint by January 6, 2025. (Doc. 29). There has been no activity on the docket since the Court’s December 23, 2024 Order.

The Court, *sua sponte*, extends Plaintiff's time to file and serve an amended complaint to February 7, 2025. Accordingly, by February 7, 2025, Plaintiff shall either file and serve an amended complaint or comply with this Court's Individual Practices Rule 4(B) for obtaining a default judgment against Defendants.

Failure to strictly comply with this Court's Individual Practices and this Order may result in dismissal of this action in its entirety, without prejudice, for want of prosecution under Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: White Plains, New York
January 24, 2025



PHILIP M. HALPERN
United States District Judge